

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

CRIMINAL NO. 04-10048-NG

RICARDO ROSARIO

Defendant

**MOTION IN OPPOSITION TO GOVERNMENT'S REQUEST FOR A
PROTECTIVE ORDER AND MOTION TO SEAL**

The defendant, Ricardo Rosario, through counsel, respectfully requests that this Court deny the government's motion for a protective order and motion to seal for the following reasons:

1. The defendant is a pre trial detainee housed at the Plymouth County Correctional Facility in Plymouth. In response to the defendant's request, counsel has attempted to provide all the discovery material to the defendant as he is entitled to have, read and discuss with counsel to understand the government's case and to appropriately exercise his available options.
2. If the sealed documents pertain to the co-defendant, Giecliff Rodriguez and his cooperation, as it appears, the defendant has known for several months that Giecliff Rodriguez was cooperating with law enforcement authorities.
3. For the defendant not to have copies of the documents that the government has requested this Court to seal would mean either lengthy monitored telephone conversations with the defendant at the Plymouth facility to read to

him and then to discuss the discovery material or visits to this facility for the defendant to read and discuss the documents with counsel.

4. Neither of these two alternatives is in the interest of judicial economy.

WHEREFORE, the defendant respectfully requests the government's motion be denied.

Dated: February 15, 2005

RICARDO ROSARIO

By his attorney

/s/ Lois Lewis

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